

Natrona County Development Department
200 North Center Street, Room 202
Casper, WY 82601
Phone: 307-235-9435
Fax: 307-235-9436



"The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County."

Zone Variance

Adopted by Natrona County Board of County Commissioners

Natrona County Development Department
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ZONING VARIANCE

General Information, Instructions and Application Form

(Ref. Chapter XI, 2000 Zoning Resolution)

GENERAL INFORMATION

Zoning involves the application of land use control measures to an entire community through the designation of zoning districts and the imposition of various uses, density, bulk and other restrictions (see Chapter VII, Design Criteria and Procedures). This broad approach of controlling development may create hardships for individual landowners, whose private interests will often conflict with the public policies mandated by state and local governments. **In an effort to relieve this conflict, a landowner who feels unduly injured by the application of the regulations of this Resolution may apply for a variance.**

A **variance** is authorization for a property owner to depart from the literal requirements of this Resolution as it applies to his land.

Unless otherwise specified, a **variance** runs with the land and does not terminate when the property is sold. A new owner succeeds to the benefits enjoyed by the former owner under the **variance** issued to him. However, the successor in interest is subject to the limitations specified in the **variance** and can assert no greater rights than those formerly granted.

REVIEW AND PROCESSING OF APPLICATION

COUNTY DEVELOPMENT DEPARTMENT

An application for a **variance** is first reviewed by the **County Development Department**. The Department meets with the applicant, conducts an on-site inspection of the property, gathers information from various sources, and submits a report and recommendation to the **Natrona County Planning and Zoning Commission**, including reasons why a particular recommendation is being made and a set of contingencies should approval be recommended.

PLANNING AND ZONING COMMISSION

The **Planning and Zoning Commission** is a five-member volunteer board, appointed by the **Board of County Commissioners**. The **Planning and Zoning Commission** holds a public hearing on the **variance** application, considers the report from the **County Development Department**, and receives public testimony regarding the application. After considering this information, the **Planning and Zoning Commission** takes the following action:

- Recommend approval of the application as submitted to the **Board of County Commissioners**,
- Recommend approval of the application, subject to such modifications or conditions as it deems necessary, to the **Board of County Commissioners**.

- Table the application to a date specific, or
- Recommend denial of the application to the **Board of County Commissioner**. In these cases the **Planning and Zoning Commission** specifies the reasons for its action. With the applicant's express permission, the Commission may table the application indefinitely or dismiss the application.

Board of County Commissioners

The **Board of County Commissioners** is a five-member elected board, representing the citizens of Natrona County and setting forth the policies of the Natrona County government. The **Board of County Commissioners** holds a public hearing on the variance application, considers the report from the **County Development Department** and action of the **Planning and Zoning Commission**, and receives public testimony regarding the application. After considering this information, the **Board of County Commissioners** takes the following action:

- Approve the application as recommended by the Planning and Zoning Commission,
- Approve the application as submitted,
- Approve the application on its own conditions, Deny the application,
- Remand the application to the Planning and Zoning Commission for reconsideration, or
- Table the application to a date specific. With the express consent of the applicant, the applicant's express permission, the Board of County Commissioners may table the application indefinitely or dismiss the application.

GUIDELINES FOR REVIEW

When acting upon **variances**, the **Planning and Zoning Commission** and the **Board of County Commissioners** shall be guided by the Intent and Purpose, and Goals and Policies provisions of the Zoning Resolution. In addition, the **Planning and Zoning Commission** and **Board of County Commissioners** shall require showings concerning all of the following:

- 1) The owner of record or contract purchaser has signed the application.
- 2) There are exceptional or extraordinary circumstances and conditions applicable to the property involved and literal application of this Resolution to the applicant's property will result in "unnecessary hardship."
- 3) The hardship is due to unique circumstances. (This proof is considered crucial to the validity of the variance because it insures that the Board does not rezone the area under the guise of the variance procedure. Since the purpose of a variance is to bring the applicant into substantial parity with other landowners in the same zone, the applicant has the burden of demonstrating that the difficulties facing him are different from those of his neighbors.)
- 4) The variance will not authorize a use other than those uses specifically listed as permitted or conditional uses in the zoning district in which the variance is sought.
- 5) The variance will not result in a gain in use, service or income for the applicant to a greater extent than available to other landowners in the vicinity.
- 6) Granting the variance will not merely serve as a convenience for the applicant but is necessary to alleviate a proven hardship.
- 7) Granting the variance will not impair the use of adjacent property or alter the character of the neighborhood.

- 8) Granting the variance will not detrimentally affect the public health, safety and welfare or nullify the intent and purpose of the Land Use Plan or this Resolution.

APPLICATION INSTRUCTIONS

This is an application for a **variance** on the parcel of land described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by law. **Citizens are encouraged to discuss their application with an appropriate member of the Development Department.** All applications must be complete.

PLEASE SUBMIT THE FOLLOWING:

1. A completed application form. Answer all portions and type or print your answers. Attach additional pages, if needed.
2. A site plan drawn at an appropriate scale with the following information:
 - a) The perimeter and dimensions of the property.
 - b) The names and locations of all streets, roads or highways on or contiguous to the property.
 - c) The locations of all easements or rights-of-way on the property.
 - d) The names and locations of all rivers, streams or waterways on or contiguous to the property.
 - e) The use, location and dimension of all structures on the property. Please include the distance from all proposed structures to the property lines.
 - f) A scale.
 - g) A north arrow.
3. The names and mailing addresses of all adjacent property owners. You may submit a letter from the adjacent owners indicating their support of your request.
4. Proof of ownership-copy of a recorded deed. The owner of record must sign this application for the application to be valid.
5. Please attach a completed Erosion Control Plan.
6. Any other information or materials relevant to the application or as requested by the Development Department.

Please plan on attending the public hearing and/or having a representative present. The Natrona County Planning and Zoning Commission meetings are held at 5:30 p.m. on the second Tuesday of each month at 200 North Center Street, District Courtroom #1, Casper, WY.

If you wish to have this request considered by _____, you must have the completed application filed in the County Planning Office no later than 4:30 p.m. on _____.

VARIANCE APPLICATION

(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming, for a Variance, as provided in Chapter 11, 2000 Natrona Zoning Resolution.

- | | |
|---|----------------------|
| 1. Applicant
Name: _____ | Owner
Name: _____ |
| 2. Address: _____ | Address: _____ |
| 3. Phone: _____ | Phone: _____ |
| 4. Explain why you are requesting this variance and detail the proposed use: _____

_____ | |
| 5. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range). | |
| 6. Current zoning of property: _____ | |
| 7. Type of sewage disposal: Public ___ Septic ___ Holding Tank ___ Other ___ | |
| 8. Source of Water: _____ | |
| 9. This property was purchased from: _____ | |
| 10. The date this property was purchased: _____ | |

On a separate sheet of paper, please respond to the following questions and provide explanations for your answers:

- What are the exceptional or extraordinary circumstances and conditions applicable to your property such that a literal application of the zoning regulations would cause you an “unnecessary hardship”?

- Please explain the unique circumstances of your hardship, and how these difficulties are different from your neighbors.
- Will the variance authorize a use other than those uses specifically listed as permitted or conditional uses in your zoning district?
- Will the variance result in a gain in use, service or income to a greater extent than available to other landowners in the vicinity?
- Please explain how the variance is necessary to alleviate a proven hardship, rather than merely a convenience.
- Will the variance impair the use of adjacent property or alter the character of the neighborhood?
- Will the variance detrimentally affect the public health, safety and welfare?

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant: _____ Date: _____
(Signature)

Print Applicant Name: _____

Owner: _____ Date: _____
(Signature)

Print Owner Name: _____